

Ct. No. 652
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**04.8
2023**

C.O. 871 of 2019
Rakesh Sethi
-Versus-
Krishna Vilas

Mr. Bikash Kumar Singh ...For the Petitioner

This application under Article 227 of the Constitution of India has been filed by the petitioner seeking expeditious disposal of the application under Order XXXIX, Rule 1 and 2 read with Section 151 of the Code of Civil Procedure filed by the opposite party plaintiff in Title Suit No. 1034 of 2017 pending before the learned Judge, 6th Bench, City Civil Court at Calcutta.

Copy of the CIS report produced in Court by the petitioner is taken on record.

Petitioner contended that after filing of the above suit, the opposite party filed an application under Order XXXIX, Rule 1 and 2 read with Section 151 of the Code, inter alia, praying for an order of ad interim injunction against the defendant. The said application was taken up for hearing by the Court below on 7th August, 2017 and the Court below had passed an ex parte order of injunction restraining the defendant / petitioner herein from creating any sort of disturbance and/or hindrance in any manner whatsoever by entering into the premises or business being run from the suit property. Such ad interim order of injunction has been extended from time to time and thereby hearing of the injunction application got adjourned for about last six years. Accordingly, the petitioner has prayed for appropriate direction for expeditious disposal of the aforesaid application for injunction.

Since the prayer made by the petitioner is innocuous one and if it is heard and disposed of in absence of the opposite party, opposite party will have no cause prejudice, service of copy of application as well as notice upon the opposite party is dispensed with.

Having considered the facts and circumstances of the case and that the prayer is innocuous and if it allowed in terms of the prayer made in the application, neither the petitioner nor the opposite party will have cause to prejudice, and that the prayer for early disposal is quite justified, the prayer is allowed.

This Application, being C.O. 871 of 2019 is thus disposed of with a direction upon the Court below to dispose of the application under Order XXXIX, Rule 1 and 2 of the Code of Civil Procedure positively within a period of six weeks from the date of communication of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the petitioner, on priority basis on compliance of all usual formalities.

(Ajoy Kumar Mukherjee, J.)